

REMARKS

Claims 1-29 remain in this application. Claims 8-9, 11-16, 18-22, 25 have been amended for clarification. Claims 26 and 28 have been amended to add/modify claim limitations.

Claims 26-29 were rejected under 35 U.S.C. 102() as being anticipated by Sugar et al. (US 6,714,605, hereinafter “Sugar”). The action cited each of the required claim elements and cited operations disclosed by Sugar that purportedly show the required claim elements. The applicant notes a few points for consideration about Sugar in relation to the claimed invention. Claim 26 is directed to a method in a radio transceiver while Sugar is directed to a system and method for real-time spectrum analysis in a communication device. More specifically, Sugar shows a radio transceiver and, external to the radio transceiver, a spectrum analysis engine (SAGE) 10 that communicates with the radio transceiver through a radio interface (FIG. 1, col. 3, lines 2-23). Thus, while the claimed invention is for a method that merely detects the presence of a radar in a radio transceiver to reduce interference, Sugar is directed to providing spectrum analysis by SAGE 10 and identifying a large number of signal characteristics (col. 9, lines 15-32). Thus, while Sugar can provide an analysis of a signal, Sugar does not specifically include logic for identifying a radar signal to inhibit transmission if a radar signal is present. Providing spectrum analysis from which one can quantify signal characteristics is different from analyzing a signal specifically for radar signal characteristics and inhibiting transmissions when such signal characteristics are present.

Claim 26 has been amended to specifically include the element of:

if a radar signal is present, inhibiting transmission of outgoing communication signals from the radio transceiver

As Sugar does not teach the claim elements as discussed above and specifically does not teach inhibiting transmissions to not interfere with identified radar transmissions, it is believed that the grounds for rejecting claims 26-29 are overcome.

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shi et al. (US 2003/0169827, hereinafter “Shi”) in view of Sugar. Responsive thereto, the applicant notes that the Shi reference was, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person as the current application and thus is

disqualified as prior art for the purpose of this rejection. MPEP 706.02(I) (1). The applicant notes that both applications are assigned to Broadcom Corporation (as shown in the Image File Wrappers) and were under a duty of assignment to Broadcom at the time the applications were filed. Additionally, while Shi is directed to a self-calibrating direct conversion transmitter, the combination of Shi and Sugar still do not teach a radio transceiver that includes, within its transceiver circuitry, a radar detection circuit to detect a radar signal. Accordingly, a method employed by a radio transceiver cannot include such radar detection if the transceiver circuitry does not include a radar detection block. As discussed above, Sugar shows, for example in FIG. 1, a separate spectrum analyzer (that is separate from the radio transceiver). Moreover, the spectrum analyzer of Sugar produces data but does not specifically search for radar signals having radar signal characteristics and does not include specific logic for inhibiting transmissions from the transceiver if a radar signal is present.

Claims 11-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shi in view of Sugar and further in view of Wasiewicz (US 7,126,526, hereinafter “Wasiewicz”). As discussed before, Shi does not qualify as a prior art reference because of common ownership. Additionally, as discussed above, the teachings of Shi when combined with Sugar do not provide all of the required elements. Specifically, these references do not teach detecting a radar signal as discussed before and subsequently inhibiting transmissions to avoid interference. Wasiewicz is directed to radar that transmits constant amplitude pulses in a manner that reduces out-of-sub-band components lying in another sub-band (col. 1, lines 5-9). Adding the teachings of Wasiewicz to Shi and Sugar does not provide the elements discussed above to reject the independent claims.

CONCLUSION

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact James Harrison at (214) 902-8100.

Respectfully submitted,
GARLICK HARRISON & MARKISON

Dated: October 1, 2008

/James A. Harrison/Reg. No. 40,401

James A. Harrison

Garlick Harrison & Markison
P. O. Box 160727
Austin, TX 78716-0727
Voice: (214) 902-8100
Fax: (214) 902-8101